

REMARKS

The Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-15 and 21-23 were previously cancelled.

Claims 16 and 24 are currently being amended.

Claims 27-29 were previously withdrawn.

Claims 30 and 31 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 16-20, 24-26 and 30-31 (10 claims) are now pending in this application.

On page 2, paragraph 2 of the office action, the Examiner has maintained the restriction and in response, the Applicant acknowledges withdrawal of claims 27-29 from further consideration at this time.

On page 2, paragraph 3 the Examiner has objected to claims 16-20 because of an informality. In response, the Applicant has amended claim 16 to add the phrase "coupled to the server and" after the word "terminal" in line 5 of claim 16. The Applicant believes that this removes the ambiguity and requests that the Examiner withdraw his objection to claims 16-20.

On page 3, paragraph 5 of the office action, the Examiner has rejected claims 16-20 and 24-26 under 35 U.S.C. § 103(a) as being anticipated by Devarakonda, et al (USPN: 6,757,729) and further in view of Brocker, et al (USPN: 5,365,606).

Claim 16 is in independent form. Independent claim 16 (as amended) now recites “said downloadable programs configured to interwork with the application programs on at least one other terminal of the network for realizing user services.”

The system in an IP based network in which downloadable programs are configured to interwork with application programs on at least one other terminal of the network for realizing user services as required by independent claim 16 (as amended) is not disclosed, taught or suggested by Devarakonda. Support for this amendment can be found at least in paragraphs 0018-0023 and paragraph 0059 of the second substitute specification.

As best understood Devarakonda provides network-based services, in other words services provided by the network, to applications on network computers in a flexible and portable way (see col. 1 ll. 41-43). Devarakonda utilizes a virtual environment manager (VEM) which makes it possible for applications on said network computers to use services provided and executed by the network in a way that is independent of the architecture of the network computer and the server with which the network computer connects itself for the execution of an application. (see col. 1, ll. 45-54). Accordingly, the virtual environment of Devarakonda is used to make it possible for applications in a computer platform to independently use services provided and executed by the network.

In contrast, the system described and claimed in the present application releases the network to which the terminals are coupled from the execution of the user services. The services are still provided and administered by the network, however, the execution of the services is delegated to the terminals. This function is provided where the terminal is downloading application software with the application software containing codes to interwork with at least one application software on at least one other terminal of the network for utilizing user services. (See paragraphs 0018-0023 and paragraph 0059 of the second substitute specification.) The present application discloses and claims a system and network that provides an architecture for the provision of user services to IP-based intelligent terminals not with the provision of network services. The network provides connectivity only and merely acts as a transport network offering administration of services but with the execution of the services delegated to the terminals.

As required in independent claim 16, as amended, the service does specific subscribable services which are accessible, on demand, by user at a terminal connected to the server through the network in which a downloadable program corresponding to the services can be executed. There is no virtual environment manager as required by Devarakonda.

The Applicant submits that the suggested combination of Devarakonda and Brocker would create a redundancy in application execution since the virtual environment manager of Devarakonda seems to be similar to the task manager control module of Brocker (see col. 2, ll. 8-13 of Brocker). Therefore, one ordinarily skilled in the art would not be compelled to combine Devarakonda and Brocker as suggested by the Examiner to obtain that which is disclosed and claimed in the present application. Accordingly, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of independent claim 16, as amended, and dependent claims 17-20 which depend from claim 16.

With respect to independent claim 24, independent claim 24 (as amended) now recites that the application software “is configured to interwork with the application software on at least one other terminal in the network for realizing user services . . . “. The terminal in an IP network in which downloadable application software “is configured to interwork with the application software on at least one other terminal of the network for realizing user services” as required by independent claim 24 (as amended) is not disclosed, taught or suggested by Devarakonda. The Applicant submits that their comments with respect to Devarakonda and Brocker above are also applicable here. Accordingly, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) of independent claim 24, and dependent claims 25-26 as they depend from independent claim 24 as amended.

The Applicant has added new claims 30 and 31. Claim 30 depends from independent claim 16, as amended, and claim 31 depends from independent claim 24, as amended. In both cases, claims 30 and 31 respectively include the limitations from independent claims 16 and 24 which were deleted as indicated in the amendment above.

Independent claims 16 and 24 have been amended and claims 1-15 and 21-23 were previously cancelled. Claims 27-29 were previously withdrawn. New claims 30 and 31 are being added.

The Applicant submits that the application is in condition for allowance and respectfully requests allowance of claims 16-20, 24-26, and 30-31.

The Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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